

it raises a question in the mind of Delegate Mason, I think it raises questions that we ought not expose ourselves to.

THE CHAIRMAN: Delegate Willoner.

DELEGATE WILLONER: In my original proposal it was left out for that reason. But this is a compromise worked out between Judge Child, Judge Henderson, Al Scanlan, Delegate Kiefer, myself, and Delegate Macdonald and that is the way it is. But it certainly is the intent that the inherent right of the court to remove a case where there is prejudice to the defendant or State would not be involved here.

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: Mr. Chairman, may I ask if any of the parties to the compromise have any objection to removing that sentence?

THE CHAIRMAN: State the sentence so that there will be no misunderstanding.

DELEGATE BAMBERGER: To remove the sentence which begins, on line 12, "All other criminal," and remove lines 13, 14, and 15.

THE CHAIRMAN: Delegate Scanlan.

DELEGATE SCANLAN: Delegate Bamberger, you know my feelings on this general subject. You can remove with my hearty approval.

THE CHAIRMAN: Delegate Henderson?

DELEGATE HENDERSON: I am just a little doubtful about removing it. It seems to me that having dealt with the cases punishable by life imprisonment it was quite appropriate to provide that these others be covered, either by rule or by the General Assembly.

It is quite inconceivable to me that either the law or the rule of the court could take away from any accused the right to a fair trial, and therefore that those two would have to be read together.

In other words, it certainly would be the minimum that the rules or the law could provide would be not to avoid the element of due process.

THE CHAIRMAN: Delegate Macdonald.

DELEGATE MACDONALD: Mr. Chairman, fellow delegates, I do not share Delegate Bamberger's difficulty. I think this completes the thought.

THE CHAIRMAN: Delegate Macdonald,

Delegate Bamberger is satisfied. He withdraws his concern and comment.

Are you ready for the question?

*(Call for the question.)*

The Clerk will ring the quorum bell.

The question arises on the adoption of Amendment No. 19 to Committee Recommendation R&P-2.

A vote Aye is a vote in favor of Amendment No. 19. A vote No is a vote against.

Cast your votes.

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 99 votes in the affirmative and 7 in the negative, the motion carries. The amendment is adopted.

The Chair understands there are no other amendments to Section 12. Does any delegate have any further amendment?

*(There was no response.)*

THE CHAIRMAN: If not, we reach section 13.

Before doing that, the Chair has had handed to it an amendment marked AQ, which is the amendment submitted by Delegate Henderson, although this one bears the names Bothe and Willoner.

Would the pages please distribute Amendment AQ? Please mark it 17.

I assume Delegates Bothe and Willoner join Judge Henderson in sponsoring that amendment?

DELEGATE BOTHE: Mr. Chairman, this amendment was made without knowledge that Judge Henderson was presenting precisely the same, and debate on the subject at this point would obviously be in the nature of a reconsideration of the decision just made.

THE CHAIRMAN: I just want to use the amendment to give it the number 17, the number we have already debated, and I wanted to know whether to leave your name on or off.

DELEGATE BOTHE: Leave it on.

THE CHAIRMAN: Delegate Willoner.

DELEGATE WILLONER: Leave it on.

THE CHAIRMAN: Mark it Amendment No. 17, by Delegates Willoner, Bothe and Henderson.